IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8948 of 1997

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GUJARAT ELECTRICITY BOARD

Versus

NEW JANTA METAL WORKS

Appearance:

MR HS MUNSHAW for Petitioner No. 1

MR MIHIR H JOSHI for Respondent No. 1

NOTICE SERVED BY DS for Respondent No. 2

MR KL PANDYA, AGP, for Respondent No. 3

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 31/03/2004

ORAL JUDGEMENT

1. In this petition the Gujarat Electricity Board has challenged the order of the Electrical Inspector, Nadiad, dated 12th September 1997, Annexure-D to the petition.

2. The respondent herein is a consumer of petitioner Board. The consumer number of the petitioner is 41103 of Dahod having 110 KVA connection. It is the case of the petitioner Board that on 26th June 1996 the Deputy Engineer of Checking Squad along with squad members went to the factory premises of the respondent for checking. The checking was carried out with Electronic Acu Check meter in presence of Production Manager of the respondent no.1. During the checking of the meter it was alleged that there was something wrong with the wiring passing to the meter. Pursuant to this checking the meter was referred to the Electrical Inspector at the instance of the respondent consumer.

3. The respondent-consumer has challenged the supplementary bill issued by the petitioner Board by way of filing Special Civil Application No.6440/96, wherein this Court, by order dated 22nd July 1997, had directed the Electrical Inspector to resolve the dispute between the parties. The said order is produced at Annexure-C to the petition.

4. Pursuant to the direction of this Court the Electrical Inspector has heard the matter and has found that the meter was defective and the Board was not entitled for recovery of supplementary bill as issued by the Board.

5. Heard the learned Advocate for the respective parties. The contention of Mr. H.S. Munshaw, learned Advocate for the petitioner that the Electrical Inspector has no jurisdiction to entertain the dispute cannot be accepted on two counts. Firstly, under section 26(6) of the Indian Electricity Act, 1910, it is very clear that wherever there is a difference or dispute between either party viz. the Board or the consumer, the Electrical Inspector is the competent authority to decide and resolve the dispute between the parties. Secondly, there is a consent by the parties on 27th July 1997 before this Court in the above referred Special Civil Application that the matter may be resolved by the Electrical Inspector. Under the circumstances, it is not open for the petitioner to raise the aforesaid contention at this stage. Apart from that, the Electrical Inspector has given specific finding that the meter was running slow or that the meter was defective. Therefore, if the meter is found to be defective, the Electrical Inspector has rightly interfered in the matter at the instance of the Consumer. Moreover, the reasonings given by the Electrical Inspector in his order dated 12th September

1997 are cogent and convincing and Mr. Munshaw was not in a position to assail any of the reasonings given by the Electrical Inspector.

6. In the premises aforesaid, the order of the Electrical Inspector is required to be upheld. Therefore, there is no substance in the petition and the same is accordingly rejected. Rule is discharged with no order as to costs.

[K.S. JHAVERI, J.]
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